

The Jumpstart our Legal Immigration System Act

Sec. 1. Short Title.

1. This Act may be cited as the “Jumpstart our Legal Immigration System Act, or the Jumpstart Act.”

Sec. 2. Recapture of Unused Immigrant Visa Numbers.

Sec 2(a) amends section 201(c)(1) of the INA to prevent future loss of unused employment-based visas.

Sec. 2(b) amends section 201 of the INA to recapture family-sponsored and employment-based visas that went unused during fiscal years 1992 through 2021. This section also allows certain individuals who were selected to apply for diversity visas in fiscal years 2017, 2018, 2019, 2020, or 2021, but who were refused a visa or denied admission to the United States because of specific executive orders, or who were unable to complete the visa or admissions process because of COVID-19-related restrictions, to reapply for such visas.

Sec. 3. Adjustment of Status.

Sec. 3 creates a new section 245(n) of the INA.

New Sec. 245(n)(1) allows an individual who is eligible for adjustment of status but who is waiting for a visa number to become available, to submit an application for adjustment to LPR status if such individual pays:

- (A) a supplemental fee of \$1,500 (plus \$250 for each derivative beneficiary) for a family-based visa petition.
- (B) a supplemental fee of \$3,000 for an employment-based first, second, or third preference visa petition.
- (C) a supplemental fee of \$15,000 for an employment-based fifth preference petition

New Sec. 245(n)(2) allows an individual to receive an exemption from the per-country and worldwide limitations on immigrant visas and have their status adjusted to LPR by the Secretary of Homeland Security if such individual—

- (A) is the beneficiary of an approved family-based visa petition that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations and pays a supplemental fee of \$2,500;
- (B) is the beneficiary of an employment-based first, second, or third preference visa petition that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations and pays a supplemental fee of \$7,500;
- (C) is the beneficiary of an employment-based fifth preference petition that bears a priority date that is more than 2 years before the date the alien requests an exemption from the numerical limitations and pays a supplemental fee of \$100,000.

New Sec. 245(n)(3) establishes the effective date of this subsection as the earlier of the date that is 180 days after the date of enactment of this subsection or October 1, 2022. This subsection sunsets 10 years after enactment.

Sec. 4. Additional Supplemental Fees.

Sec. 4 sets aside the first \$400 million in fees collected to be deposited in the Immigration Examination Fee Account (IEFA) to adjudicate the applications under this Act and reduce backlogs. The rest of the fees collected under this act shall be deposited into the general fund of the Treasury and may not be waived. This section also establishes additional supplemental fees as follows:

- \$100 for certain family-sponsored immigrant visa petitions (Form I-130)
- \$800 for each employment-based immigrant visa petition (Form I-140)
- \$15,000 for each employment-based fifth preference petition (Form I-526)
- \$500 for each petition for E, H-1B, L, O, or P status (Form I-129)
- \$500 for applications for employment authorization (Form I-765) filed by spouses of certain nonimmigrants.

This subsection sunsets 10 years after enactment.